The Legislative Assembly of
British Columbia

SPECIAL COMMITTEE TO APPOINT A CHIEF ELECTORAL OFFICER

REPORT

2002

Special Committee to Appoint a Chief Electoral Officer

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This report is available on our Internet homepage, which also contains further information about this and other Select Standing and Special Committees:
http://www.legis.gov.bc.ca/cmt

103-00779/

October 10, 2002

To the Honourable
Legislative Assembly of
the Province of British Columbia

Honourable Members:

I have the honour to present herewith the report of the Special Committee to Appoint a Chief Electoral Officer for the province of British Columbia. This report covers the work of the all-party legislative Committee for the Third Session of the Thirty-seventh Parliament.

Respectfully submitted on behalf of the Committee.

Mr. Randy Hawes, MLA
Chair

INTRODUCTION

The Chief Electoral Officer is responsible for the fair, impartial and efficient administration of provincial electoral events. He or she exercises authority based on the provisions of the *Election Act* and the *Recall and Initiative Act*. The responsibilities of the Chief Electoral Officer include overseeing voter registration processes; registering political parties and candidates; monitoring compliance with election financing requirements; administering electoral events, including referenda and recall and initiative processes; setting guidelines for political parties; investigating complaints; and educating candidates, parties, organizations and the public about the requirements of the *Election Act* and the *Recall and Initiative Act*.

The Chief Electoral Officer is a statutory officer of the Legislative Assembly, which means that the position is independent of government and communicates directly to the Legislative Assembly through the Speaker. Section 4 of the *Election Act* stipulates that a special committee of the Legislative Assembly must unanimously recommend the appointment of a person to be the Chief Electoral Officer for the province. In order for the appointment to take effect, the Committee's recommendation must be accepted by a majority of Members of the Legislative Assembly.

TERMS OF REFERENCE

On May 30, 2002, the Special Committee to Appoint a Chief Electoral Officer was appointed to select and unanimously recommend to the Legislative Assembly the appointment of a Chief Electoral Officer for the Province of British Columbia, pursuant to section 4 of the *Election Act*. The Committee's Terms of Reference specify that:

...the Special Committee so appointed shall have the powers of a Select Standing Committee and is also empowered:

a) to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;
b) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;
c) to adjourn from place to place as may be convenient;
d) to retain such personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

The said Special Committee is to be composed of Messrs. Hawes (Convener), Long, Christensen, Les, Nettleton, Suffredine, Visser, and Mmes. Brice, McMahon, and Mme. MacPhail.

COMPOSITION OF THE COMMITTEE

MEMBERS:

Randy Hawes, MLA	(Chair)	Maple Ridge-Mission
Blair Suffredine, MLA	(Deputy Chair)	Nelson-Creston
Susan Brice, MLA		Saanich South
Tom Christensen, MLA		Okanagan-Vernon
John Les, MLA		Chilliwack-Sumas
Harold Long, MLA		Powell River-Sunshine Coast
Joy MacPhail, MLA		Vancouver-Hastings
Wendy McMahon, MLA		Columbia River-Revelstoke
Paul Nettleton, MLA		Prince George-Omineca
Rod Visser, MLA		North Island

CLERK TO THE COMMITTEE:

Craig James, Clerk Assistant and Clerk of Committees

RESEARCHER TO THE COMMITTEE:

Wynne MacAlpine, Research Analyst

SELECTION PROCESS

The Committee conducted seven meetings for the purposes described below:

Thursday, June 13, 2002	Organization and Planning
Tuesday, July 23, 2002	Review of Selection Process
Wednesday, July 24, 2002	Application Screening
Wednesday, September 4, 2002	Approval of Shortlist
Monday, September 16, 2002	Candidate Interviews
Wednesday, September 18, 2002	Candidate Interviews
Wednesday, October 9, 2002	Report Approval

APPLICATIONS

From June 21 to June 26, 2002, advertisements for the position of Chief Electoral Officer were placed in all major daily newspapers in British Columbia and in one newspaper with national circulation. Prospective applicants were asked to apply by July 19, 2002. In response, the Committee received 59 applications for the position of Chief Electoral Officer. Of the applications, 56 were received from British Columbia, two from other Canadian provinces and one from outside of Canada. All 59 applications were reviewed and assessed by each member of the Committee. Based on members' individual appraisals of the applications, the Committee interviewed five candidates.

SELECTION CRITERIA

The position of Chief Electoral Officer calls for an understanding of electoral and political processes; administrative, decision-making and communications skills; and experience in managing a medium- to large-size organization. Some of the specific criteria used by the Committee to assess applicants included:

- commitment to the principles of fairness, openness and impartiality in electoral administration.
- understanding of election law and electoral processes.
- understanding of the political process, including the functions of political parties, news media and other agencies.
- ability to interpret and comply with legislation.
- ability to maintain appropriate relations with the news media, political parties and groups sponsoring initiative and recall petitions.
- ability to communicate the substance of and rationale behind administrative and adjudicative decisions taken pursuant to the *Election Act* and the *Recall and Initiative Act*.
- ability to establish and maintain an organizational profile of independence and impartiality.

The Committee's selection criteria formed the basis of a Position Profile, Candidate Profile and Screening Matrix, which were used to assess each application for the position and each interviewed candidate. To ensure consistency and fairness, each interviewed candidate was asked a standard set of 16 interview questions, which was also developed from the Committee's selection criteria.

RECOMMENDATION

The Committee unanimously recommends to the Legislative Assembly that Mr. Harry Neufeld be appointed the Chief Electoral Officer for the Province of British Columbia, pursuant to section 4 of the *Election Act*.

BIOGRAPHICAL NOTES

Harry Neufeld brings twenty years of experience in electoral management to the position of Chief Electoral Officer.

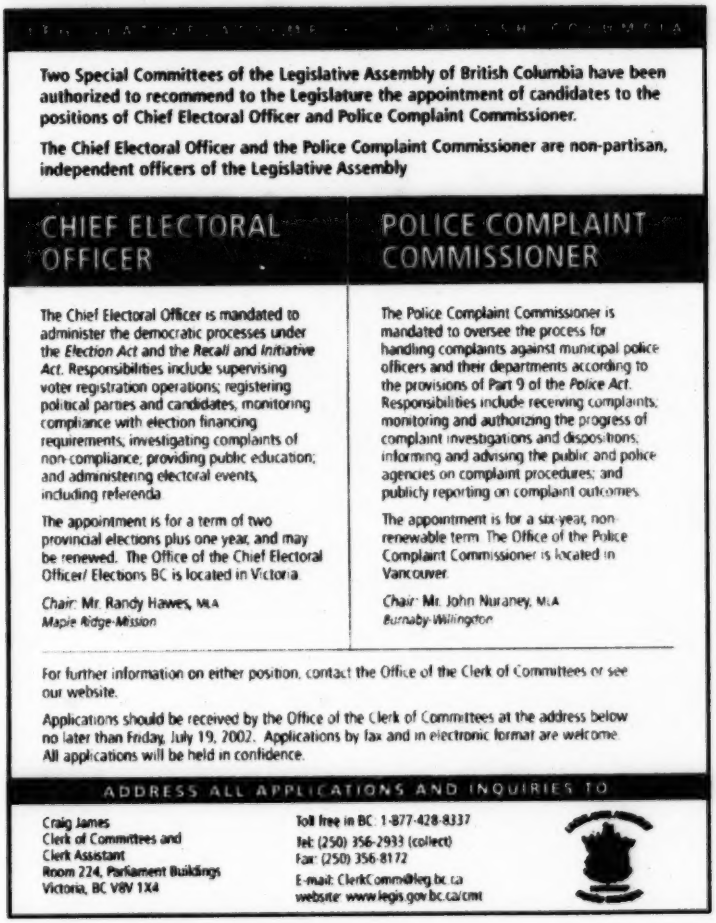
He has held senior level positions in three electoral management bodies: Elections BC (1982-1988), the United Nations (Namibia 1989), and Elections Canada (1991-1993). In addition, Mr. Neufeld worked as an electoral management consultant with the Canadian Royal Commission on Electoral Reform (1990) and with various international organizations and electoral agencies around the globe (1993-1998).

Electronic Data Systems Corporation, a multinational systems management and services firm, has employed Mr. Neufeld as an account manager and senior project resource since 1998. While at EDS, Harry was assigned as project director responsible for assembling and managing a team that successfully designed and constructed a comprehensive electoral information system for the Office of the Chief Electoral Officer / Elections BC under a fixed price, fixed schedule contract.

Mr. Neufeld's education includes a Bachelor of Arts (Honours) Degree from the University of Lethbridge (1980), and a Master of Arts Degree (Political Science) from the University of Victoria (1986). His MA thesis was on the topic of policy diffusion in the Canadian electoral process, and he has written numerous articles on electoral management published by the International Institute for Democracy and Electoral Assistance (IDEA), the International Foundation for Election Systems (IFES) and the United Nations Electoral Assistance Division (UNEAD).

ADVERTISEMENT

The Special Committee to Appoint a Chief Electoral Officer and the Special Committee to Appoint a Police Complaint Commissioner began their respective appointment processes on June 13, 2002. At a joint organization and planning meeting on that date, the committees agreed to place a single advertisement for the positions of both Chief Electoral Officer and Police Complaint Commissioner. The following advertisement was published in 15 of British Columbia's daily newspapers and one national newspaper between June 21 and June 26, 2002.[1]



THE LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA

Two Special Committees of the Legislative Assembly of British Columbia have been authorized to recommend to the Legislature the appointment of candidates to the positions of Chief Electoral Officer and Police Complaint Commissioner.

The Chief Electoral Officer and the Police Complaint Commissioner are non-partisan, independent officers of the Legislative Assembly

CHIEF ELECTORAL OFFICER

The Chief Electoral Officer is mandated to administer the democratic processes under the *Election Act* and the *Recall and Initiative Act*. Responsibilities include supervising voter registration operations; registering political parties and candidates; monitoring compliance with election financing requirements; investigating complaints of non-compliance; providing public education; and administering electoral events, including referenda.

The appointment is for a term of two provincial elections plus one year, and may be renewed. The Office of the Chief Electoral Officer/ Elections BC is located in Victoria.

Chair: Mr. Randy Hawes, MLA
Maple Ridge-Mission

POLICE COMPLAINT COMMISSIONER

The Police Complaint Commissioner is mandated to oversee the process for handling complaints against municipal police officers and their departments according to the provisions of Part 9 of the *Police Act*. Responsibilities include receiving complaints; monitoring and authorizing the progress of complaint investigations and dispositions; informing and advising the public and police agencies on complaint procedures; and publicly reporting on complaint outcomes.

The appointment is for a six-year, non-renewable term. The Office of the Police Complaint Commissioner is located in Vancouver.

Chair: Mr. John Nuraney, MLA
Burnaby-Willingdon

For further information on either position, contact the Office of the Clerk of Committees or see our website.

Applications should be received by the Office of the Clerk of Committees at the address below no later than Friday, July 19, 2002. Applications by fax and in electronic format are welcome. All applications will be held in confidence.

ADDRESS ALL APPLICATIONS AND INQUIRIES TO

Craig James
Clerk of Committees and
Clerk Assistant
Room 224, Parliament Buildings
Victoria, BC V8V 1X4

Toll free in BC: 1-877-428-8337
Tel: (250) 356-2933 (collect)
Fax: (250) 356-8172
E-mail: ClerkComm@leg.bc.ca
website: www.legis.gov.bc.ca/cmt

[1] Cranbrook Daily Townsman; Peace River Block News; Alaska Highway News; Kamloops Daily News; Kelowna Daily Courier; Okanagan Saturday; Kimberley Daily Bulletin; Nanaimo Daily News; Nelson Daily News; Penticton Herald; Alberni Valley Times; Prince George Citizen; Prince Rupert Daily News; Trail Daily Times; Vancouver Province; Vancouver Sun; Victoria Times Colonist; National Post.

ELECTION ACT[2]

Note: The sections of the Election Act *[RSBC 1996] CHAPTER 106 reproduced below are for informational purposes only. The full printed version of the Act remains the official version.*

Division 1 — Chief Electoral Officer

Appointment of chief electoral officer

4 (1) On the recommendation of the Legislative Assembly, the Lieutenant Governor must appoint as Chief Electoral Officer an individual who has been unanimously recommended for the appointment by a special Committee of the Legislative Assembly.

(2) The chief electoral officer is an officer of the Legislature.

Impartiality

5 (1) Before beginning to perform the duties of office, the chief electoral officer must make a solemn declaration before the Clerk of the Legislative Assembly to faithfully and impartially exercise the powers and perform the duties of office.

(2) The chief electoral officer is not entitled to vote in an election.

(3) The chief electoral officer must not

(a) hold another office or engage in other employment,

(b) be a member of, hold a position with or make a contribution to a registered political party, a registered constituency association or a political party or constituency association seeking registration, or

(c) in relation to the individual's candidacy, hold a position with or make a contribution to an individual who is, intends to be or was a candidate in an election.

Term of office

6 (1) The term of office for the chief electoral officer is from the date of appointment until 12 months after the date set for the return of the last writ for the second general election for which the chief electoral officer is responsible.

(2) The chief electoral officer may be reappointed to further terms of office.

Remuneration and pension

7 (1) The chief electoral officer

(a) must be paid out of the consolidated revenue fund a salary equal to the salary paid to the chief judge of the Provincial Court of British Columbia, and

(b) must be reimbursed for reasonable travelling and out of pocket expenses personally incurred in performing the duties of the office.

(2) Subject to subsections (3) and (4), the Public Service Pension Plan, continued under the *Public Sector Pension Plans Act*, applies to the chief electoral officer.

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[2] Current to B.C. Regulations Bulletin September 30, 2002.

(3) When calculating the amount of a pension under the Public Service Pension Plan, each year of service as chief electoral officer must be counted as 1 1/2 years of pensionable service.

(4) Despite the accrual of 35 years of pensionable service, contributions to the Public Service Pension Plan must continue for each additional year of service up to 35 years of contributory service.

Resignation, removal or suspension

8 (1) The chief electoral officer may resign at any time by notifying the Speaker.

(2) On the recommendation of the Legislative Assembly based on cause or incapacity, the Lieutenant Governor must, in accordance with the recommendation,

(a) suspend the chief electoral officer, with or without salary, or

(b) remove the chief electoral officer from office.

(3) If the Legislative Assembly is not sitting, the Lieutenant Governor in Council may suspend the chief electoral officer, with or without salary, for cause or incapacity.

(4) A suspension under subsection (3) ends not later than 30 sitting days of the Legislative Assembly after the suspension came into effect.

Acting chief electoral officer

9 (1) On the recommendation of the Legislative Assembly in any of the following circumstances, the Lieutenant Governor must appoint an acting chief electoral officer:

(a) the office of chief electoral officer is vacant;

(b) the chief electoral officer appointed under section 4 is suspended;

(c) the chief electoral officer appointed under section 4 is temporarily absent because of illness or another reason.

(2) The Lieutenant Governor in Council may appoint an acting chief electoral officer in any of the following circumstances:

(a) the office of chief electoral officer is or becomes vacant when the Legislative Assembly is not sitting;

(b) the chief electoral officer appointed under section 4 is suspended when the Legislative Assembly is not sitting;

(c) the chief electoral officer is removed or suspended or the office of the chief electoral officer becomes vacant when the Legislative Assembly is sitting, but no recommendation is made by the Legislative Assembly under subsection (1) or section 4 before the end of the session;

(d) the chief electoral officer appointed under section 4 is temporarily absent because of illness or another reason.

(3) An acting chief electoral officer holds office until the earliest of the following:

(a) a new chief electoral officer is appointed under section 4;

(b) the suspension of the chief electoral officer ends;

(c) the chief electoral officer returns to office after the temporary absence;

(d) in the case of an acting chief electoral officer appointed under subsection (2), when an acting chief electoral officer is appointed under subsection (1);

(e) at the end of 30 sitting days after the start of the next session of the Legislative Assembly.

(4) An individual may be reappointed as acting chief electoral officer in accordance with this section.

General staff of the chief electoral officer

10 (1) The chief electoral officer may appoint a deputy chief electoral officer and other employees necessary to enable the chief electoral officer to perform the duties of the office.

(2) The *Public Service Act* applies to appointments under subsection (1) and, for the purposes of that Act, the chief electoral officer is deemed to be a deputy minister.

(3) The chief electoral officer may also retain, on a temporary basis, other persons necessary to enable the chief electoral officer to perform the duties of the office in relation to short term administrative matters, including the preparation for and conduct of an election, enumeration or plebiscite.

(4) The *Public Service Act* does not apply to persons retained under subsection (3) and the chief electoral officer may establish their remuneration and the other terms and conditions of their retainers.

Expenses of administering Act

11 (1) All necessary expenses required for the administration of this Act must be paid out of the general fund of the consolidated revenue fund.

(2) The chief electoral officer must approve all amounts to be paid under the authority of this section, with this approval authority subject to any regulations of the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may make regulations for the purpose of subsection (2).

Duties and powers of the chief electoral officer

12 (1) The chief electoral officer has the following duties in addition to all others established by this Act:

(a) to provide guidance and supervision respecting the voter registration process and the conduct of elections and plebiscites;

(b) to ensure that all other officials appointed under this Act carry out their duties with fairness and impartiality;

(c) to provide information to the public regarding the voter registration and other electoral processes under this Act.

(2) The chief electoral officer has the following powers in addition to all others given by this Act:

(a) to make recommendations to the Legislative Assembly respecting amendments to this Act or other enactments affecting election matters;

(b) to issue to persons appointed or retained under this Act any information and guidelines the chief electoral officer considers necessary to ensure effective implementation of this Act;

(c) to require election officials and voter registration officials to follow the directions of the chief electoral officer regarding the performance of their duties and the exercise of their powers;

(d) to assign duties and related powers under this Act to election officials and voter registration officials;

(e) to delegate in writing to an individual appointed under section 10 (1), 18 (1) or (1.1) or 22 (1) the authority to exercise any power and perform any duty assigned to the chief electoral officer by this Act, other than the power to make regulations, subject to any limits or conditions imposed by the chief electoral officer;

(f) to prepare directives and guidelines for registered political parties, registered constituency associations, candidates, financial agents and auditors respecting this Act.

(3) The deputy chief electoral officer may perform the duties and exercise the powers of the chief electoral officer, other than the power to make regulations.

Reports to the Legislative Assembly

13 (1) The chief electoral officer must present the following reports to the Speaker:

(a) an annual report on the work done under the direction of the chief electoral officer;

(b) after each election, general enumeration or plebiscite, a report respecting the proceedings, the results and the costs;

(c) any report required under section 42 respecting a decision not to conduct a general enumeration;

(d) any recommendation under section 12 (2) (a) respecting amendments to this Act or another enactment affecting election matters;

(e) any report required under section 217, 221, 222 or 226 respecting a member of the Legislative Assembly who has failed to comply with Part 10.

(2) The chief electoral officer may present a special report to the Speaker if, in the chief electoral officer's opinion, the amounts and establishment for the office of the chief electoral officer permitted under section 11 (2), or the services provided by the Public Service Employee Relations Commission, are inadequate for fulfilling the duties of the office.

(3) The Speaker must lay a report of the chief electoral officer before the Legislative Assembly as soon as possible.